

JOE WARDY  
MAYOR

JOYCE WILSON  
CITY MANAGER



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

PRESI ORTEGA, JR.  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

### REGULAR COUNCIL MEETING COUNCIL CHAMBERS JANUARY 18, 2005 9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, and John F. Cook. Late Arrivals: Presi Ortega, Vivian Rojas and Anthony W. Cobos at 9:05 a.m. and Paul J. Escobar at 9:21 a.m. Absent: None. Meeting was called to order at 9:03 a.m. and the invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

### RECOGNITION

1. Martin Luther King Humanitarian Awards Recipients
2. Recognition of SUCCESSFUL 2004 UTEP Football Season AND acknowledgement of friendly wager with the City of Boulder Mayor, Mark Ruzzin

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **DELETE** the discussion on The Bill of Rights. [Anita Blair]

Representative Escobar was not present for the vote.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to **RECESS** the City Council Meeting to discuss the Special Mass Transit Board Meeting at 9:13 a.m.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **RECONVENE** the City Council Meeting from the Mass Transit Board Meeting at 9:52 a.m.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Representatives Lozano, Escobar and Rojas were not present for the vote.

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meetings of June 3, 2003 and January 11, 2005;

Special City Council Meeting of February 21, 2003; and Legislative Review Committee of the Whole Meeting of January 31, 2003.

Representatives Lozano, Escobar and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** the Resolution that the City supports a grant application to the National Vacant Properties Campaign for technical assistance to facilitate local solutions to vacant properties and infill development issues; and that the Deputy City Manager for Building & Planning Services be authorized to negotiate, the City Attorney's Office be authorized to prepare, and the Mayor or his designee be authorized to sign all documents necessary to support and to complete the application, and to accept the grant of technical assistance upon notice of award. The Mayor or his designee is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

Representatives Lozano, Escobar and Rojas were not present for the vote.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of NINE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$9,500.00, Grant Note - \$450.00, Loan Note - \$9,050.00), against the following described real property:

Lot 80, RANCHLAND HILLS ADDITION NO. 3, in El Paso County, Texas,  
according to the map of records in the back of Book 663, Deed Records of said  
County, known as 1125 Prescott

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of ONE THOUSAND ONE HUNDRED EIGHTY AND 76/100 DOLLARS (\$1,180.76).

.....  
**\*A RESOLUTION**

**By**

**THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS**

**WHEREAS**, the Housing Authority of the City of El Paso, Texas ("HACEP") has determined that it will pursue a HOPE VI Revitalization grant from the U.S. Department of Housing and Urban Development ("HUD") in 2005 for the redevelopment of the Alamito Complex; and

**WHEREAS**, the grant, if received, would provide \$20 million dollars in federal funds for the revitalization as well as leveraging an estimated additional \$30 million dollars in private investment in the neighborhood; and

**WHEREAS**, a critical component for achieving a threshold score for 2005 grant applications is leveraging local government funds to support the HOPE VI redevelopment project; and

**WHEREAS**, the HUD Notice of Funding Availability (“NOFA”) for the 2005 grant award “strongly” urges potential grantees to seek a pledge of Community Development Block Grant (“CDBG”) funds or other municipal funds for improvements to public infrastructure to support the redevelopment; and

**WHEREAS**, the budget estimate developed as part of the HOPE VI revitalization plan for the Alamito Complex indicates that approximately \$1.2 million in funding will be required for public infrastructure improvements during the four-year grant implementation period, approximately from 2005 through 2009; and

**WHEREAS**, the NOFA specifically requires that all financial resources pledged to support the HOPE VI application must be evidenced by a “commitment document, such as a ...city council resolution or other evidence of the resource to be committed,” and goes further to require that “the commitment cannot be conditioned on anything other than the receipt of the HOPE VI grant”;

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of El Paso that the City will pledge a commitment of funds in the amount of \$1.2 million to support public infrastructure improvements for the Alamito Complex HOPE VI revitalization during the four-year grant implementation period, approximately from 2005 through 2009;

**BE IT FURTHER RESOLVED** that pursuant to a Cooperation Agreement between the City of El Paso and HACEP dated July 13, 1972 and amended on October 3, 1978, the City has for many years agreed by Resolution to waive all of its portion of payment in lieu of taxes from HACEP to allow HACEP to direct such monies to assist in funding the Y.W.C.A. for childcare services in public housing complexes, such as the Alamito Complex.

**BE IT FURTHER RESOLVED** that pursuant to the Cooperation Agreement between the City of El Paso and HACEP dated July 13, 1972 and thereafter amended, the City may vacate streets within the area of a project and convey to HACEP without charge such interest as the City may have in the vacated area;

**BE IT FURTHER RESOLVED** that the City’s commitment of funds hereunder is contingent only upon the receipt of the \$20 million HOPE VI Revitalization grant from HUD.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That, contingent solely upon the Housing Authority of the City of El Paso receiving a \$20 million HOPE VI Revitalization grant in 2005 from the Department of Housing and Urban Development for its Alamito Complex, the City of El Paso will pre-commit up to \$750,000 in future Community Development Block Grant funds to support the required public infrastructure improvements at the Alamito Complex during the four-year grant implementation period of 2005 through 2009.

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**\*RESOLUTION**

**WHEREAS**, on February 7, 2004, the voters of the City of El Paso, Texas (the “**City**”) approved Proposition 3, which was captioned “**STREET AND DRAINAGE IMPROVEMENTS & ACQUISITIONS**” in a citizens bond election (“**Proposition 3**”);

**WHEREAS**, Proposition 3 authorized the City to issue general obligation bonds in the amount of Two Million Dollar (\$2,000,000.00) for District 8 property acquisition, design and construction of unpaved residential and arterial streets, including overwidth-paving reimbursements for new growth areas (the ***“Unpaved Rights-of-way Project”***);

**WHEREAS**, the Housing Authority of the City of El Paso, Texas has determined that it will pursue a Twenty Million Dollar (\$20,000,000.00) HOPE VI Revitalization Grant (the ***“Grant”***) from the U.S. Department of Housing and Urban Development (***“HUD”***) in 2005 for the redevelopment of the Alamito Complex;

**WHEREAS**, a critical component for achieving a threshold score for the grant applications is leveraging local government funds to supports the HOPE VI redevelopment project;

**WHEREAS**, the HUD Notice of Funding Availability for the 2005 grant award “strongly” urges potential grantees to seek a pledge of Community Development Block Grant funds or other municipal funds for improvements to public infrastructure to support the redevelopment; and,

**WHEREAS**, the budget estimate developed as part of the HOPE VI revitalization plan for the Alamito Complex indicates that approximately One Million Two Hundred Thousand Dollars (\$1,200,000.00) in funding will be required for public infrastructure improvements during the four-year (i.e., 2005 through 2009) grant implementation period (the ***“Grant Period”***).

**NOW THEREFORE, BE IT RESOLVED** by City Council that the City will pledge a commitment of funds from the Unpaved Rights-of-way Project, in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) to support public infrastructure improvements for the Alamito Complex HOPE VI revitalization during the Grant Period;

**BE IT FURTHERE RESOLVED** that the City Manager is hereby authorized to make the necessary budgetary adjustments or transfers to carry out the intent of this Resolution; and,

**BE IT FINALLY RESOLVED** that this commitment is contingent only upon the receipt of the Grant.

NOTE: Funding Source was revised to 2004 Bond Election Funds 14200403/PBE04ST13829154/508027.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art.

Event:	Dinner
Licensee:	El Paso Society For Human Resources Management
Date:	January 21, 2005
Time:	6:00 p.m. - 8:00 p.m.
Area(s):	Patricia and Jonathan Rogers Grand Lobby
Charge for Space:	\$400.00
Charge for Staff (est):	\$160.00
Charge for Insurance:	\$ 52.80

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art.

Event: Teacher Workshop  
Licensee: Harcourt School Publishers  
Date: January 25, 2005  
Time: 4:30 p.m. - 6:30 p.m.  
Area(s): Patricia and Jonathan Rogers Grand Lobby  
Charge for Space: \$500.00  
Charge for Staff (est): \$100.00  
Charge for Insurance: \$ 52.80  
Charge for Equipment\$ 50.00

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event: Dinner  
Licensee: Eta Pi Omega Chapter  
Date: April 15, 2005  
Time: 6:00 p.m. - 9:00 p.m.  
Area(s): Special Events  
Charge for Space: \$1,200.00  
Charge for Staff (est.): \$ 320.00  
Charge for Insurance: \$ 52.80  
Rental of Furniture/Equipment: \$ 35.00

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **BPLW ARCHITECTS & ENGINEERS, INC.**, a corporation registered in the State of Texas, for a project known as **“Boys Club Park Walkways and Benches”** for an amount not to exceed SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$7,500.00).

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **CARL DANIEL ARCHITECTS, INC.**, for a project known as **“Civic Center Plaza Improvements”** for an amount not to exceed FORTY-EIGHT THOUSAND ONE HUNDRED THIRTY-SEVEN AND NO/100 DOLLARS (\$48,137.00).

## \*RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a First Amendment to an Agreement for Architectural Services between the **CITY OF EL PASO** and **QUANTUM ENGINEERING CONSULTANTS, INC.**, for a project known as **“Indian Place, Wenda Way and Bowen Drive Street and Drainage Improvements”** for an amount not to exceed NINE THOUSAND NINE HUNDRED TWENTY and 08/100 DOLLARS (\$9,920.08).

## \*RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Landscape Architectural Services between the **CITY OF EL PASO** and **LANDSCAPE ARCHITECTURAL SERVICES, INC.** for a project known as **“Mesa Terrace Park Improvements”** for an amount not to exceed TWENTY-THREE THOUSAND FOUR HUNDRED SIX AND NO/100 DOLLARS (\$23,406.00).

### \*RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **THOMAS M. DOYLE**, to assist the Office of Management and Budget as a Senior Grants Coordinator, at a biweekly rate of \$2,575.00, for 40 hours per week. The term of the contract shall be for the period of January 22, 2005 through January 21, 2006. This contract is subject to the concurrence of the Civil Service Commission.

## \*RESOLUTION

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a First Amendment to an Agreement for Architectural Services between the **CITY OF EL PASO** and **THE OFFICE OF PUBLIC ARCHITECTURE**, for a project known as **"Cleveland Square Redevelopment - New History Museum Building and Addition, Remodeling and Refurbishing of Main Library"**, for an amount not to exceed SIXTEEN THOUSAND SIXTY FIVE and NO/100 DOLLARS (16,065.00).

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Clerk Typist II (1)

Fund Source: 11010011-01101-501011

Representatives Lozano, Escobar and Rojas were not present for the vote.

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Staffing Table Change for Health

Delete 1.00 Public Health Specialist PM 72

Fund Source: 41010150-01101-41000

Add	1.00	Public Health Specialist	PM 72
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Fund Source: 41010150-01101-41000

Delete 1.00 Public Health Specialist PM 72  
Fund Source: 41150023-06105-41000-G410525

Representatives Lozano, Escobar and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **RE-APPOINT** Shirley Roberts to the Retired and Senior Volunteer Program Advisory Council (RSVP) by Representative Presi Ortega, Jr., District 5.

Representatives Lozano, Escobar and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Robert B. Borunda to the Building Board of Appeals by Representative Presi Ortega, Jr., District 5.

Representatives Lozano, Escobar and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Robert Veliz to the Zoning Board of Adjustment by Representative Presi Ortega, Jr., District 5.

Representatives Lozano, Escobar and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Rita E. Baca Benton to the El Paso Mountain Committee by Representative Presi Ortega, Jr., District 5.

Representatives Lozano, Escobar and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPOINT** Roger K. Curie to the International Bridge Commission by Representative Presi Ortega, Jr., District 5.

Representatives Lozano, Escobar and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request to allocate \$1,000 from District 1 discretionary funds to the Mission Hills Association for recently installed playground equipment. Dept. ID01010001, Fund01101, Account 504420

Representatives Lozano, Escobar and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** installation, power, and maintenance of residential street light at the following location:

Between 11532 & 11528 Big Bear Court Cost: \$1,200  
Account No. 504420, ID 01010005, Fund 01101

Representatives Lozano, Escobar and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for Two (2) additional years, from January 21, 2005 to January 21, 2007 pursuant to the provisions of Contract 2003-056-C1 with B&C Turf Equipment Co., Inc., El Paso, Texas for Irrigation Equipment & Supplies.

Option No.: One [of one]  
Amount of Award: \$200,000.00  
Funds Available: 51010262-503202-01101  
Funding Source: Parks & Recreation General Operating Funds  
Department: Parks & Recreation

Representatives Lozano, Escobar and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to  
**AWARD** Best Value Procurement Solicitation No. 2005-032 Nations Tobin and Pavo Real Recreation Centers  
Re-Roofing

Representatives Lozano, Escobar and Rojas were not present for the vote.

Contractor: Commercial Roofing Systems, Inc.  
Vinton, Texas  
  
Department: Parks and Recreation  
Funds Available: 14200401-PBE04PA105-29105-508027 - \$ 73,650.00  
14200401-PBE04PA106-29106-508027 - \$416,700.00  
Funding Source: 2004 Bond Election  
Items: Base Bid I \$416,700.00  
Base Bid II \$ 70,750.00  
Alternate #1 \$ 2,900.00  
Total Award: \$490,350.00

The Departments of Engineering and Parks and Recreation recommend the award of this contract to Commercial Roofing Systems, Inc., as this Offeror has provided the Best Value Proposal. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to  
**AWARD** Best Value Procurement Solicitation No. 2005-046 Janitorial Services for Marty Robbins  
Recreation Center

Representatives Lozano, Escobar and Rojas were not present for the vote.

Award to: Carefree Janitorial Services  
El Paso, TX  
Item (s): All  
Amount: \$19,872.00 (estimated yearly)  
  
Department: Parks and Recreation  
Funds available: 51010256-5150076-01101-16339-502206  
Funding source: Marty Robbins, Facilities Maintenance, Operating and User Fee Accounts  
Total award: \$59,616.00 (estimated)



Parks & Recreation, Center Staff, and Purchasing recommend award as indicated, Carefree Janitorial Services provided and meets the Best Value Criteria.

This is a thirty-six month contract with no option to renew, Carefree Janitorial Services offers a 1% 10 Days Prompt Payment Discount.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** Bid Solicitation No. 2005-065 Household Hazardous Waste Disposal Services

Representatives Lozano, Escobar and Rojas were not present for the vote.

Award to: EnviroSolve, LLC  
Tulsa, OK  
Item (s): All  
Amount: \$200,000.00 (estimated yearly)  
  
Department: Solid Waste Management  
Funds available: 34010296-40403-502204  
Funding source: Outside Contracts  
Total award: \$400,000.00 (estimated)

Solid Waste Management Department and Purchasing Department recommends award as indicated. EnviroSolve, LLC, provided the lowest bid that meets all requirements of the Solicitation.

This is a twenty-four (24) month contract with the option to renew two (2) additional years on a month to month basis.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **AWARD** Bid Solicitation No. 2005-021 2" Galvanized Sign Posts

Representatives Lozano, Escobar and Rojas were not present for the vote.

Award to: Allied Tube & Conduit  
Harvey, Illinois  
Item (s): #1 to #11  
Amount: \$59,975.00 (estimated annually)  
Department: Street  
Funds available: 32010287-503203-508027-01101-14200403-508027-29143-PBE04ST128  
Funding source: Sign Replacement & Streets General Operating Fun  
Total award: \$119,950.00 (estimated)

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

No options offered.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** budget transfer BT2005-312 MUSEUM OF ART

To re-align budget of School Coordinator based on grant award of less than budgeted amount.

Increase	\$33,290	to	54500028/50110/507000	Intrfd Trf
Increase	\$33,290	to	54150078/G54010907234/407000	Intrfd Trf

Decrease	\$22,650	from	54150078/G54010907234/405060	Donations
Increase	\$33,290	to	54500028/50110/407002	Est Rev
Increase	\$ 7,318	to	54150078/G54010907234/501011	PTTempCiv
Increase	\$ 164	to	54150078/G54010907234/501130	FICAMdCMCv
Increase	\$ 702	to	54150078/G54010907234/501129	FICACityMCv
Increase	\$ 11	to	54150078/G54010907234/501101	UnempCmp
Increase	\$ 51	to	54150078/G54010907234/501100	WrkCmpCv
Increase	\$ 1,680	to	54150078/G54010907234/501108	POSEmpCnb
Increase	\$ 14	to	54150078/G54010907234/501114	Life Ins Civ
Increase	\$ 700	to	54150078/G54010907234/501124	CpnsPIContrb

Representatives Lozano, Escobar and Rojas were not present for the vote.

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 \*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** budget transfer BT2005-413 OFFICE OF MANAGEMENT AND BUDGET

To appropriate funding required for IVR System for BPI and related equipment.

Increase	\$123,583	to	04250203/PMB000313027251/407002	Est Rev
Increase	\$123,583	to	04250203/PMB000313027251/508010	Data Process

Representatives Lozano, Escobar and Rojas were not present for the vote.

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 \*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Building Permit – refund to Miguel A. Corona in the amount of \$45.00 (Forty Five Dollars).  
 Funding Source: Account #36010119-404102

Representatives Lozano, Escobar and Rojas were not present for the vote.

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 \*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** the introduction of an Ordinance changing the zoning of Lots 1 and 24, Alta Mira Addition, El Paso, El Paso County, Texas, from A-O/sc (Apartment/Office/special contract) and R-4 (Residential) to C-1/sc (Commercial/special contract) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E & Arlette Maxell. ZON04-00142.

Representatives Lozano, Escobar and Rojas were not present for the vote.

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 Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance repealing Ordinance No. 014764, an Ordinance closing the public hearing and levying assessments for part of the costs of street improvements in the Kimberly Heights Subdivision, El Paso, El Paso County, Texas; fixing a lien and charge against property abutting the improved streets and against the owners thereof; and providing for the collection of such assessments thereof.
- B. An Ordinance amending Title 18 (Building and Construction), Chapter 18.02 (Building and Construction Administrative Code), Section 18.02.101.4.9 (Selection Procedures for Third Party Plan Review Services) of the El Paso Municipal Code, to provide for the inspection of Buildings and Structures by approved Third Party companies and to enumerate a selection procedure for said companies.
- C. An ordinance granting a Special Privilege to Kern Place Merchants Association to temporarily close a portion of Cincinnati Avenue between Mesa Street and Stanton Street for an annual Mardi Gras Fat

Tuesday "Bourbon Street" celebration on Tuesday, February 8, 2005 and Wednesday, February 9, 2005. (Fee: \$137.50, SP-04028)

- D. An ordinance granting a Special Privilege to The O.P.E.P. Incorporated to temporarily close a portion of Ochoa Street between First Avenue and Paisano Drive for an annual "Mardi Gras Fat Tuesday" celebration on Tuesday, February 8, 2005 and Wednesday, February 9, 2005.  
(Fee: \$137.50, SP-04029)

**PUBLIC HEARING WILL BE HELD ON FEBRUARY 1, 2005 FOR ITEMS A – D**

- E. An Ordinance changing the zoning of Lots 1 and 24, Block 1, Alta Mira Addition, El Paso, El Paso County, Texas, from A-O/sc (Apartment/Office/special contract) and R-4 (Residential) to C-1/sc (Commercial/special contract) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E & Arlette Maxell. ZON04-00142.

**PUBLIC HEARING WILL BE HELD ON FEBRUARY 8, 2005 FOR ITEM E**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Motion made by Representative Austin, seconded by Representative Cook and unanimously carried to **APPROVE AS REVISED** a Memorandum of Understanding to be submitted to the United States Bankruptcy Court in the Chapter 7 case of Cumbre Development Corp., Case No. 02-32345, in support of Trustee's Motion to Sell Property Free and Clear of Liens Pursuant to 11 U.S.C. Sec. 363 to First National Bank.

Representative Rojas was not present for the vote.

Mayor Joe Wardy and Representatives Austin and Cushing commented.

The following City staff members commented:

1. Mr. George G. Sarmiento, Director of Planning, Research and Development
2. Mr. Matt Watson, Assistant City Attorney

Mr. Sarmiento explained the revised provisions within the Memorandum of Understanding language specific to the City's commitments.

The following members of the public commented:

1. Mr. Patrick Brandon, affected property owner
  2. Mr. Harrel Davis, First National Bank representative
- .....

Motion made by Representative Lozano, seconded by Representative Ortega and unanimously carried to direct the City Manager to **DIRECT** staff to explore the feasibility of third party approval of subdivision improvement plans in preparation for the need to expedite the building approval process in response to pending increased permanent troop strength at Fort Bliss. Staff recommendation shall include any required ordinance amendment/s and shall set forth qualifications for third party reviewers to review and inspect subdivision improvement plans, consistent with State law, and to bring a recommendation to the Council in four (4) weeks.

Mayor Joe Wardy introduced General James Maloney of the Texas Military Preparedness Commission.

General Maloney gave a report to the Mayor and City Council (on file in the City Clerk's office).

Mayor Joe Wardy and Representatives Cook and Cushing commented.

Ms. Lisa Elizondo, City Attorney, commented on General Maloney's presentation and agenda posting constraints.

Mayor Joe Wardy and Representatives Cushing, Cobos, Ortega and Austin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Patricia Adatao, Deputy City Manager for Building and Planning Services

The following members of the public commented:

1. Mr. Bobby Bowling
2. Mr. Randy Bowling, President of the El Paso Association of Builders

NOTE: Item was moved to the forefront of the regular agenda.

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Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **AUTHORIZE** the Police Department staff to provide administrative support for the development of the El Paso Regional Lab concept. Coordination of local partner agencies and additional funding requests will be completed through the Office of the Mayor.

There was no discussion.

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\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** Bid Solicitation No. 2005-050 El Paso International Airport Golf Course

Representatives Lozano, Escobar and Rojas were not present for the vote.

Contractor:	Golf Works, Inc. Austin, Texas	
Department:	Department of Aviation	
Funds Available:	62620026-PAP0023-41063-508027	
Funding Source:	Airport Revenue	
Items:	Base Bid	\$9,426,310.55 and
	Alternate No. 18	\$ 25,000.00
Total Award:		\$9,451,310.55

The Departments of Engineering and Aviation recommend the award of this contract to Golf Works, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

.....  
**RESOLUTION**

**WHEREAS**, the City Council of the City of El Paso, by Resolution dated March 12, 2002, determined that the competitive sealed proposal method is the project method that provides the best value to the City when entering into a contract for the construction of a facility; and

**WHEREAS**, the selection of a construction contractor for the Eastside Regional Library, Solicitation No. 2005-024, shall be accomplished through the use of the Competitive Sealed Proposal Method; and

**WHEREAS**, certain procedures must be met under state law when selecting a contractor for construction of a facility through competitive sealed proposals; and

**WHEREAS**, the City has followed the required procedures by preparing a request for competitive sealed proposals that includes construction documents, selection criteria used in selecting the successful offeror, estimated budget, project scope, schedule, and other information that contractors may require to respond to the request; and

**WHEREAS**, the City has received, publicly opened, and read aloud the names of the offerors and the prices stated in each proposal and has, no later than the 45<sup>th</sup> day after the date of opening the proposals, evaluated and ranked each proposal submitted in relation to the published selection criteria; and

**WHEREAS**, the City selects Dantex Construction Co. as the offeror that offers the best value to the City based on the published selection criteria and on its ranking evaluation; and

**WHEREAS**, the City has successfully negotiated a contract with Dantex Construction Co. and has, along with the architect, discussed with Dantex Construction Co. options for a scope or time modification and price change associated with the modification.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City of El Paso hereby awards Solicitation for Eastside Regional Library, No. 2005-024, to Dantex Construction Co. in the amount of \$3,264,200.00, as this offeror provides the best value to the City based on the published criteria and on its ranking evaluation; and

**THAT** the Mayor be authorized to sign the contract; and

**THAT**, the Mayor be authorized to execute budget transfers for this award and project as necessary; and

**THAT** the City Engineer is hereby authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order and 25% of the original contract price as awarded, without further authorization by City Council.

Representatives Cook and Ortega commented.

The following City staff member commented:

Mr. Byron Johnson, Director of Purchasing

The following member of the public commented:

Mr. Juan Contreras, Perspectiva + 3 D/I

Motion made by Representative Ortega, seconded by Representative Escobar and unanimously carried to **APPROVE** the above Resolution.

.....  
**ORDINANCE 15987**

The City Clerk read an Ordinance entitled: **AN ORDINANCE CREATING THE WORKFORCE RETRAINING ADVISORY COMMITTEE, AND PROVIDING FOR MEMBERSHIP AND TERMS, OFFICERS, RULES AND REGULATIONS, ADMINISTRATION, AND DUTIES OF THE BOARD.**

Representatives Rojas, Lozano, Cushing, Austin, Cook, Cobos and Ortega commented.

The following members of the public commented:

1. Ms. Zorina Morfin, citizen, spoke in Spanish, Mr. Guillermo Glenn, displaced workers representative, interpreted.
2. Mr. Guillermo Glenn

**1<sup>ST</sup> MOTION:**

Motion made by Representative Rojas, seconded by Representative Lozano and unanimously carried to **AMEND** the ordinance language as follows:

1. **Membership and Terms.** "The Committee shall be comprised of nine (9) regular members and nine (9) alternate members. All members shall be El Paso residents with knowledge and experience in matters involving the local labor market, workforce displacement, economic and workforce development, workforce education and training, small business development and supportive services, or a combination of any of these. At least two (2) members shall be employers from the private sector, and at least two (2) members shall be trade-affected workers. The Mayor and City Council Representatives shall each nominate one member and one alternate member of the Committee, who shall be appointed by City Council as set forth in Section 3.7(B) of the City Charter. Upon the adoption of the ordinance dated January 18, 2005, members of the Committee shall serve staggered terms: five (5) members who shall serve for an initial term of two years, and four (4) members who shall serve for an initial term of one year. The initial term shall be established by lot at the first meeting of the Committee following the date of this ordinance and shall run from the date of this ordinance. After the initial term, successors shall be appointed for two-year terms. Each term shall commence on the expiration date of the term of the immediate predecessor; provided, however, that appointments to vacancies occurring other than by expiration of a member's term of office shall be filled by appointment by the Council for the remainder of the unexpired term. Under the provisions of Chapter 2.04, members of the Committee may not serve more than two consecutive two-year terms; provided, however, that the completion of an initial term of less than two years or the completion of the remainder of an unexpired term shall not be included in the calculation of a member's term for purposes of this provision."

## 2<sup>ND</sup> MOTION:

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to **AMEND** the ordinance language as follows:

### 1. Membership and Terms.

"At least two (2) of the members should be employers of the private sector as well as two (2) trade-affected workers."

## 3<sup>RD</sup> MOTION:

Motion made by Representative Cook, seconded by Representative Rojas to approve the amended Ordinance.

No roll call was taken. Representative Cook withdrew his motion to allow further discussion.

## 4<sup>TH</sup> MOTION:

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to **AMEND** the ordinance language specific to item 4. c. and to add paragraph 5. Review and Continuation. with the following language:

### 4. Duties.

c. Make recommendations to Mayor and City Council concerning the effectiveness of programs and activities of the local Upper Rio Grande Workforce Development Board;

### 5. Review and Continuation.

Upon two years following enactment of this ordinance, the City Council shall review whether this Committee is effective in fulfilling its purpose, and may continue, modify or take other action(s) regarding the Committee, as appropriate.

## 5<sup>TH</sup> MOTION:

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to amend the ordinance language as follows:

3. Administration. The Department of Economic Development ("Department") shall provide **reasonable** staff support for the Committee and shall act without pay other than the compensation already received from the City. . . .

## 6<sup>TH</sup> MOTION:

Motion made by Representative Cushing, seconded by Representative Lozano and carried to amend the ordinance language as follows:

3. Administration. . . . . The Department shall keep a record of the activities of the Committee and shall provide the Committee with necessary **available data and information** and cooperation.

AYES: Representative Cushing, Lozano, Ortega, Escobar and Cobos

NAYS: Representative Austin, Cook, and Rojas

## 7<sup>TH</sup> MOTION:

Motion made by Representative Cushing, seconded by Representative Cook and unanimously carried to **AMEND** the ordinance language as follows:

### 4. Duties.

a. Make recommendations to Mayor and City Council concerning the effectiveness of programs **for displaced workers**, which receive funding under the Workforce Investment Act;

**and**

- b. Make recommendations to Mayor and City Council concerning the need for additional programs **for displaced workers**, which could potentially receive funding under the Workforce Investment Act;

The City Clerk called for further public comment. There was no further public comment.

**8<sup>TH</sup> AND FINAL MOTION:**

Motion duly made by Representative Cook, seconded by Representative Lozano, that the Ordinance be **ADOPTED AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED AS AMENDED**.

NOTE: Item was moved to the forefront of the regular agenda.

.....  
RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structures located on the property at 3901 Trowbridge Drive, in El Paso, Texas, which property is more particularly described as follows:

Lots: 1 and 2, Block 27, Government Hill, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 11, Page 58, Plat Records of El Paso, Texas

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Enrique Mata, 3901 Trowbridge Drive, El Paso, Texas 79903, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on January 18, 2005; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structures are not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
  - c. The structure's certificates of occupancy are hereby revoked; and
  - d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the main Building be secured and rear addition and accessory structure be demolished within (30) days; and



- b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - d. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the main Building and maintain the Building secure and demolish the rear addition and accessory structure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may secure the main Building and maintain the Building secure, and demolish the rear addition and accessory structure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
  4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the main Building secure and demolishing the rear addition and accessory structure and cleaning the premises of all weeds, trash and debris; and
  5. That the costs incurred by the City in connection with securing and maintaining the main Building secure and any demolition and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
  6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
    - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
    - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
    - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
  7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
  8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within thirty (30) days after notice of this Resolution. The findings shall become final after thirty (30) days of receipt of Notice; and
  9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
  10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the



**NO ACTION WAS TAKEN** on the following items:

City Manager's report on current events and issues:

Quarterly Financial Report for FY 2005 and Status of Independent Audit.

Ms. Joyce Wilson, City Manager, introduced Mr. William Studer, Deputy City Manager for Finance and Administrative Services.

Mr. Studer gave a Powerpoint presentation on the 1<sup>st</sup> Quarter Financial Performance (on file in the City Clerk's office) and responded to comments from Council Members.

Mayor Joe Wardy and Representatives Austin, Cushing, Ortega and Cook commented.

.....  
**ADDITION TO THE AGENDA**

\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE, AS REVISED**, subject to the acceptance of an appropriate agreement covering the donation of equipment and allocation of liability, the request to allocate \$1,000 from District 3 discretionary funds to Playground Connection as a contribution to the overall cost of \$175,000.00 needed in donations from the community to build a barrier-free and developmentally advantageous playground at Vista del Valle Park, where children with physical, sensory and developmental disabilities can play with their siblings, friends, and peers. [Dept ID #01010003, Account #504420, Fund #01101]

Representatives Lozano, Escobar and Rojas were not present for the vote.

.....  
\*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE, AS REVISED**, subject to the acceptance of a co-sponsorship agreement between the City and El Paso Golden Gloves Association, the request to allocate \$1,000 from District 3 discretionary funds to the 2005 El Paso Golden Gloves Tournament to cover the user fee at the Carolina Recreation Center taking place February 18, 19, and 20, 2005 which is sponsored by the El Paso Golden Gloves Association and the City of El Paso. [Dept ID #01010003, Account #504420, Fund #01101]

Representatives Lozano, Escobar and Rojas were not present for the vote.

.....  
Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:19 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. Discussion and Action on the pending claim of Joel Torres (551.071)
- B. Discussion and Action on the pending claim of William Salazar (551.071)
- C. Discussion and Action on the pending claim of Esperanza Flores (551.071)
- D. Discussion and Action on the pending claim of Charles E. Gibbens (551.071)
- E. Discussion and Action on the pending claim of Ruben Quintero (551.071)
- F. Discussion and Action on the pending claim of Alma Flores (551.071)
- G. Discussion, deliberation, and action on economic development-related negotiations with a business prospect and the possible offer of financial or other incentives to the business prospect. (551.087)

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 12:50 p.m., during which time motions were made as follows.

Representatives Austin and Rojas were not present for the vote.

.....  
Motion made by Representative Cobos, seconded by Representative Ortega and unanimously carried that the claim of **JOEL TORRES**, Our File Number Parks L0008 be **DENIED** as recommended by the City Attorney's Office.

Representatives Austin and Rojas were not present for the vote.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the claim of **WILLIE SALAZAR**, Our File Number SWM L0030 be **DENIED** as recommended by the City Attorney's Office.

Representatives Austin and Rojas were not present for the vote.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the claim of Esperanza Flores, Our File Number Zoo L0002 be **DENIED** as recommended by the City Attorney's Office.

Representatives Austin and Rojas were not present for the vote.

.....  
Motion made by Representative Cobos, seconded by Representative Ortega and unanimously carried that the claim of Charles E. Gibbens, Our File Number Parks L0011 be **DENIED** as recommended by the City Attorney's Office.

Representatives Austin and Rojas were not present for the vote.

.....  
Motion made by Representative Cobos, seconded by Representative Ortega and unanimously carried that the claim of **Ruben Quintero**, Our File Number POLICE L0086 be **DENIED** as recommended by the City Attorney's Office.

Representatives Austin and Rojas were not present for the vote.

.....  
Motion made by Representative Cobos, seconded by Representative Ortega and unanimously carried that the claim of **ALMA FLORES**, Our File Number ENG L0006 be **DENIED** as recommended by the City Attorney's Office.

Representatives Austin and Rojas were not present for the vote.

.....  
Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to authorize the Mayor to proceed with negotiations with a business prospect to consider tax abatement incentives that will be subject to review and approval by City Council.

Representatives Austin and Rojas were not present for the vote.

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Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 12:56 p.m.

Representatives Austin and Rojas were not present for the vote.

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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk